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GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 2500
CHICAGO, IL 60601-1732

EXAMINER
NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 October 2004</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-11,13-20,22-27 and 29-33* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-11,13-20,22-27 and 29-33* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims **1-4,16-20,22-27,29,32,33** are rejected under 35 U.S.C. 102(e) as

being anticipated by Allport, U.S. Pat. No. **6,567,984.**

Considering claim **1**, Allport discloses the remote control unit 10, fig. 2 and base

station unit 75, which is capable of receiving and reading various types of

information including HTML data from the Internet.   Allport further discloses that

"For wireless communications, the base station 75 may transmit data to the

remote control 10 by way of fast IrDA or RF, but the preferred method is RF, in

which case the frequency of transmission would be preferably at 900 MHz, 2.4

GHz, or other FCC-approved home communications frequencies..." (Col. 10,

lines 15-21)and that "For the situation where an Internet-enabled TV display is

cluttered with text-based and other navigational information, a further benefit of

the present invention is that with suitable <u>HTML (Hypertext Markup Language)</u>

<u>parsing software 10, some parts of the actual Internet content could also be</u>

<u>displayed on the remote control's display 15."</u> Col.6, lines 50-65; (see also col.

10, lines 35-65)

Considering claim **2**, the system as recited in claim 1, wherein the hand-held

device comprises a memory for storing <u>the mark-up language page</u> and a

program for replaying the stored closed captioning information <u>including in the</u>

<u>mark-up language page</u>, is met by memory 325, fig.4, the boot RAM stores

system software.

Considering claim **3**, the system as recited in claim 1, wherein the hand-held

device comprises a browser application for displaying <u>the mark-up language</u>

<u>page</u> in the display, is met by the disclosure that "...A data stream may be HTML

data transmitted from the Internet, or it may be a "media stream" such as an

analog or digital TV broadcast signal, satellite TV signal, cable TV signal, or other

audio and/or video signal. Media streams such as TV broadcast signals may

contain several channels, and each channel may further contain audio, video, or

other embedded data streams, including HTML data. Furthermore, HTML data is

used to refer to any Internet-derived data, as opposed to solely data that is in the

HTML protocol format, as the concepts described herein are equally applicable to

other Internet-derived data, especially data that is transmitted in a widely

accepted Protocol; " (col. 1, lines 20-34) and that "For the situation where an

Internet-enabled TV display is cluttered with text-based and other navigational

information, a further benefit of the present invention is that with suitable HTML

(Hypertext Markup Language) parsing software 10, some parts of the actual

Internet content could also be displayed on the remote control's display 15." (col.

6, lines 50-65)

Considering claim **4,** the system as recited in claim 1, wherein the hand-held

device comprises a remote control having a memory in which is stored command

codes for commanding the operation of a plurality of different consumer

appliances.

See rejection of claim 2.

Considering claim **16, Allport** discloses the base station unit 75, fig.2 which

receives data from outside source such the Internet or broadcast data; the base

station unit 75 is capable of determining which data to transmit to which

device.(col. 9, lines 45-65. Allport further discloses that "...<u>A data stream may be</u>

<u>HTML data transmitted from the Internet, or it may be a "media stream" such as</u>

<u>an analog or digital TV broadcast signal, satellite TV signal, cable TV signal, or</u>

<u>other audio and/or video signal</u>. Media streams such as TV broadcast signals

may contain several channels, and each channel may further contain audio,

video, or other embedded data streams, including HTML data. Furthermore,

HTML data is used to refer to any Internet-derived data, as opposed to solely

data that is in the HTML protocol format, as the concepts described herein are

equally applicable to other Internet-derived data, especially data that is

transmitted in a widely accepted Protocol; " (col. 1, lines 20-34) and that "For the

situation where an Internet-enabled TV display is cluttered with text-based and

other navigational information, a further benefit of the present invention is that

with suitable HTML (Hypertext Markup Language) parsing software 10, some

parts of the actual Internet content could also be displayed on the remote

control's display 15." (col. 6, 50-65) Thus, Allport discloses all claimed subject

matter.

Considering claim **17**, the method as recited in claim 16, further comprising the

step of storing the extracted closed captioning information in memory and the

steps of loading and transmitting are performed on a periodic basis.

    See rejection of claim 2;

Considering claim **18**, the method as recited in claim 16, wherein the steps of

loading and transmitting are performed in response to a request received from

the device having the display, is met by the disclosure that the HTML data sent to

MUX 175 may be only part of the HTML data stream 85 and/or 95 originally

entering the base station 75, as CPU 155 may first process data 85 and/or 95

and determine, based on requests from the remote control 10, that some of it

should be passed to TV 80 instead. Col. 13, lines 31-45.

Considering claim **19**, the claimed

a) transmitting to the consumer appliance <u>a request to receive information</u> indicative of the closed captioning information, is met by the disclosure that the "HTML data sent to MUX 175 may be only part of the HTML data stream 85 and/or 95 originally entering the base station 75, as CPU 155 may first process data 85 and/or 95 and determine, <u>based on requests from the remote control 10</u>, that some of it should be passed to TV 80 instead." Col. 13, lines 31-45.

b) displaying received information indicative of the closed captioning information in the display.

c) the wherein the request to receive information periodically transmitted at time interval specified within a field within the mark-up language page, is inherently because, otherwise, the device at the other end, the requested device, would not know when or what to transmit back as a response.

Regarding b), see rejection of claim 1.

Considering claim **20**, the method as recited in claim 19, wherein the hand-held device comprises <u>a browser application</u> for displaying a <u>mark-up language</u> page received from the consumer appliance in which is placed the closed captioning information.

Regarding claim 20, See rejection of claim 3;

Considering claim **21**, the method as recited in claim 19, further comprising the step of periodically requesting the consumer appliance to transmit the closed captioning information.

Regarding claim 21, See rejection of claim 19 (a).

Considering claim **22**, the method as recited in claim 19, further comprising the step of storing the closed captioning information and the step of displaying is performed in response to activation of a key associated with the hand-held device.

Regarding claim 22, see rejection of claim 19.

Considering claim **23**, a readable media having instructions for displaying closed captioning information, the instructions performing steps comprising: extracting the closed captioning information from a video signal; loading the extracted closed captioning information into a mark-up language page; and transmitting the mark-up language page to a device having a display.

Regarding claim **23**, see rejection of claims 16 and 19.

Considering claim **24**, the readable media as recited in claim 23, wherein the instructions perform the further step comprising storing the extracted closed captioning information in memory and wherein the steps of loading and transmitting are performed on a periodic basis.

Regarding claim 24, see rejection of claim 2.

Considering claim **25**, the readable media as recited in claim 24, wherein the steps of loading and transmitting are performed in response to a request received from the device having the display.

Regarding claim 25, see rejection of claim 18.

Considering claim **26,** a readable media having instructions for displaying information related to a viewed gram, comprising: transmitting to a consumer appliance a request to receive information indicative closed captioning information; and displaying received information indicative of the closed captioning information in display of a hand-held device.

Regarding claim 26, see rejection of claim 19.

Considering claim **27**, the readable media as recited in claim 26, wherein the hand-held device comprises a browser application for displaying a mark-up language page received from the consumer appliance in which is placed the closed captioning information.

Regarding claim 27, see rejection of claim 3.

Considering claim **29**, the readable media as recited in claim 27, wherein the instructions further perform the step of storing the closed captioning information

and wherein the step of displaying is performed in response to activation of a key

associated with the hand-held device.

Regarding claim 26, see rejection of claim 22.

Regarding new claim **32**, Allport, on column 10, lines 43-65, teaches that "Typical

commands from the remote control 10 to the base station 75 may be a request

for a new channel to view on the display 15 (i.e., channel surfing), a request to

swap displayed programs with the TV 80, a request to access new data from the

Internet or other outside data source, or any other request to the base station 75

for data streams. The type of request from the remote control 10 to the base

station 75 will vary greatly depending on the application in progress. For

example, during a video game, a request may be to provide another view of the

virtual world topology. The base station 75 may satisfy that type of request by

retrieving the data 95 from an outside source such as the Internet, or alternatively

the base station 75 may do processing internally to provide the other view. Other

types of requests may be to access a new web site while browsing the Internet,

in which case the base station 75 would access the data 95 and transmit it to the

remote control 10.

Regarding claim **33**, see rejection of claim 32.

3.   Claims **5,6,8,9,13,15,30,31,** are rejected under 35 U.S.C. 102(e) as being

anticipated by Liu, U.S. Pat. No. **5,953,005.**

Regarding claims **5** and **6,** see rejection of claim 8 below.

Considering claim **8,** Liu discloses a system and method for on-line multimedia

access. (title) The user accesses a page on the World Wide Web, for example,

data (encrypted and unencrypted) and instructions are automatically downloaded

to a user's computer system for quick access. In a Karoake application of the

system of Liu, a user may access songs which are most popular at a given time

and may also access a page where a song list and other information is displayed

on a display apparatus. Liu teaches that an applet includes multimedia elements

which further include timing codes and a synchronization function which provides

for the synchronization of the delivery of the multimedia elements. (See Abstract)

Further, Liu teaches that "Alternatively, the Karaoke page is accessed, for

example, by a user's personal computer, LAN, laptop, PDA, workstation,

television or telephone 82a, 82b or 82c, wireless or wired. In any manner of

transmission from a remote source, applets are automatically downloaded onto

the user's computer system upon access to the page as described above. (see

col. 3, lines 58-64) Furthermore, Liu illustrates on Fig.3 steps to carry out a

selection process provided by the initially delivered applet or applets. When the

user accesses a Web page 10 at box 30, he/she may make a choice from ASCII

song list 14 at box 32. As mentioned above, components such as graphics,

video and audio may also be delivered by an initial applet at box 34. Thus, as

the song list scrolls at box 34, **graphics, video, audio cuts from** the songs or

ASCII data such as a song's current standing may be accessed at boxes 36 and

38. Having decided upon a song, the user clicks to indicate his/her choice at box

42. User options include whether the song should be played with or without

vocals at box 44; whether to raise or lower the key at box 46; a record of the

number of times the song has been played by the user at box 48; whether to

display video or graphics by the artist for an additional fee at box 52; whether to

abort choice at box 54. Alternatively, the choices between boxes 44-54 may be

suppressed or not offered. The selection is played at box 56. Once concluded,

at box 58 the choice of whether to continue or to end is provided at boxes 62 and

64 respectively. Moreover, one of the above described user option boxes can

include other features, such as to choose the language in which the vocalization

is sung, for example, English or Japanese; whether the voice is female or male,

tenor, alto or soprano; whether the voice is to sing a harmony with the original

base melody; or whether to change the tempo or style of the song, for example,

to a rap version, a easy listening version or country version." Col. 4, lines 34-62

[emphasis added by examiner]

Considering claim **9,** the system as recited in claim 8, wherein the media is a

video program and the representation of the audio track comprises sub-titles;

       See rejection of claim 8;

Considering claim **13**, the system as recited in claim 8 further comprising a Web site from which the representation of the audio track is downloadable into the memory;

See rejection of claim 8;

Considering claim **15**, the system as recited in claim 8, wherein the memory comprises a removable smart car, is met by the "Authentication, for example, includes verifying payment data, a user password or a handshake with a form of personal identification such as a PCMCIA-based card, for example, a credit, debit, prepaid cash card or smart card. (col. 5, lines 9-17)

Regarding claims **30** and **31**, Liu discloses on the Abstract of the disclosure that "According to this invention, an applet includes multimedia elements which further include timing codes and a synchronization function which provides for the synchronization of the delivery of the multimedia elements."

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims **7,10,11,14** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Liu, U.S. Pat. No. 5,953,005 in view of Fu, U.S. Pat. No.

6,476,871.

Regarding claim **7**, see rejection of claim 10.

Considering claim **10,** the system as recited in claim 9, wherein the consumer

appliance is a digital video disc player;

      Liu discloses on-line multimedia access. However, utilizing the DVD as

playback appliance is notoriously well known in the art. In that regard, Fu

discloses a text (such as closed caption) data display on remote controller device

12, fig. 1 which device is part of a consumer appliance 10. Fu teaches that the

consumer electronics system comprised of several components, which may

include a television, a CD player, a tape deck, a VCR, a receiver, a DVD player,

among other components. Col.2, lines 30-35. It would have been therefore

obvious to the skilled in the art at the time the invention was made to modify the

system of Liu by providing or adding a DVD player so that the system is made

more versatile and useful.

Considering claim **11,** the system as recited in claim 8, wherein the media is a

compact disc and the representation of the audio track comprises song lyrics;

      See rejection of claims **8** and **10**;

Considering claim **14**, the system as recited in claim 8, further comprising a kiosk

from which the representation of the audio track is downloadable into the

memory.

See rejection of claims **11** and **13**.

Response to Arguments

6.   Applicant's arguments filed 10/22/04 have been fully considered but they

are not persuasive. Applicant argues "Allport fails to disclose, teach, or suggest

a device having an a application for reading closed captioning information from a

video signal and for loading the read closed captioning information into a pre-

formatted mark-up language page that is communicated to a hand-held device

which is adapted to display the received mark-up language page. Rather, the

base station unit (75) of Allport only functions as a switching station" which

redirects data received into the base station (75), unaltered, to the TV (8%, to the

remote control (10), to both, or to neither. (Col. 9, lines 34-37). It is further

submitted that nothing within Allport discloses, teaches, or suggest the claimed

hand-held device periodically transmitting a request to the consumer appliance to

receive a refresh of the mark-up language page or the claimed request to

receive information being periodically transmitted at a time interval specified

within a field within the mark-up language page. "

Applicant also argues that Fu does not disclose, teach, or suggest each

and every element of the system now set forth in claim 1 and, for this reason,

claims 2 and 4 must be deemed allowable. With respect to claim 6, Fu, similarly

fails to disclose, teach, or suggest a consumer appliance having an application

for reading movie sub-titles from a recorded media or an application for loading

the read movie sub-titles into a pre-formatted mark-up language page. Still

further, with respect to claim 8, Fu cannot be said to disclose, teach, or suggest a

system in which a readable...

Examiner submits that the base station unit 75 of Allport acting as a

switching unit is only one embodiment in the disclosure. Allport clearly and

unambiguously discloses that the unit 75 is capable of determining whether to

pass data to the remote control or the TV and what type of data to transmit to the

same. See col. 9, lines 45-65

Examiner also submits that requesting to receiving information periodically

transmitted at time interval specified within a field within the HTML is inherently

included because, otherwise, the device at the other end, the requested device,

would not know when or what to transmitted back as a response.

The argument against the reference of Fu is moot because Fu is no longer

relied upon to reject claim 1,2,4, and 6-15. Fu is only used as teaching reference

for DVD player in claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Paulos M. Natnael whose telephone number

is (571) 272-7354. The examiner can normally be reached on 10:00am -

6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAULOS M. NATNAEL
PATENT EXAMINER

PMN
April 12, 2005